

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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| KRAFT FOODS GLOBAL, INC., <i>et al.</i> , |) | |
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| Plaintiffs, |) | Case No. 11-cv-8808 |
| |) | |
| v. |) | Hon. Steven C. Seeger |
| |) | |
| UNITED EGG PRODUCERS, INC., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

RULINGS ON DEPOSITION DESIGNATIONS – BINH TRAN

August 13, 2013 Deposition

| Testimony | Objection | Rulings |
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| 125:19 - 126:3 | 802 (Hearsay) (party seeking to admit its own statements with no exception identified) | Overruled. <i>See</i> Fed. R. Evid. 803(6). (Plaintiffs should make a proffer to the Court if it is offered for a non-hearsay purpose.) |
| Tran Ex. 12 (Tr. Ex. 553) | | See above. |
| 145:18-19; 146:8-148:17 | Mitigation evidence motion (Dkt. 393) | Overruled. Page 148:13-17 is potentially relevant to injury. The other passages are admissible so long as Defendants don't use them to say that Plaintiffs could have avoided an injury with better contracts. |
| Tran Ex. 14 (Tr. Ex. 651) | | See above. |
| 148:18 - 149:6; 149:10-149:16; 149:19-150:8 | 602 (Foundation is hearsay) as to 149:10-16, 149:19-150:8 | Overruled. |
| 150:9-151:13, 151:20-160:18 | Mitigation evidence motion (Dkt. 393) | Overruled. The testimony is admissible to describe the egg industry as a whole. But the |

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| | | testimony is not admissible to prove that Plaintiffs could have avoided an injury with better contracts. |
| 173:5-174:21 | 602 (174:13-21) No basis for witness to testify about conduct of producers | Overruled. |
| 183:1-22 | Mitigation evidence motion (Dkt. 393) | Overruled. |
| 184:1 - 187:3 | 602 (30(b)(6) speculation) | Overruled as to 184:1 – 186:4. Sustained as to 186:5 – 187:3. |
| 237:10-239:7 | <i>No objection to testimony—only to exhibits introduced therein.</i> | N/A (The testimony appears in green in the Court’s binder. So, the Court assumes that there is no objection.) |
| Tran-39 (Def. Ex. 508) | 402/403 (Discussion of cage-free eggs, after 2008 and in some instances after 2012—when no injury is claimed—is irrelevant and confusing for jury. Further, no evidence General Mills purchased cage-free until after 2012). | Sustained. |
| 278:4-21 | | Sustained. |
| 279:6-280:6 (counter) | | Sustained. |
| 280:7-20, 281:13-282:10 | 402/403 (Testimony as to General Mills’ mindset post-2012 irrelevant and unduly prejudicial) (281:21-282:10) | Sustained as to 281:13 – 282:10. The witness is describing current beliefs, meaning beliefs after 2012. The phraseology in the last few questions is confusing, too. |
| Tran-45 (Def. Ex. 49) | 402/403 (Discussion of cage-free eggs, after 2008 and in some instances after 2012—when no injury is claimed—is irrelevant and confusing for jury. Further, no evidence General Mills purchased cage-free until after 2012). | Sustained. The testimony covers cage-free eggs, which is not probative and is confusing, distracting, and prejudicial. |
| 310:19-312:13 (counter) | | Sustained. The testimony covers cage-free eggs, which is not probative and is confusing, distracting, and prejudicial. Also, 310:19 – 311:5 is discussing 2013. |

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| 312:14-313:1 | Sustained. <i>See</i> Fed. R. Evid. 401, 403. The testimony covers cage-free eggs, which is not probative and is confusing, distracting, and prejudicial. |
| 313:6-314:1 | Sustained. <i>See</i> Fed. R. Evid. 401, 403. The testimony covers cage-free eggs, which is not probative and is confusing, distracting, and prejudicial. |
| Tran-46 (Def. Ex. 26) | Sustained. <i>See</i> Fed. R. Evid. 401, 403. The testimony covers cage-free eggs, which is not probative and is confusing, distracting, and prejudicial. |
| 314:15-318:18 | Sustained. <i>See</i> Fed. R. Evid. 401, 403. The testimony covers cage-free eggs, which is not probative and is confusing, distracting, and prejudicial. |
| 318:2-18 (counter) | Sustained. <i>See</i> Fed. R. Evid. 401, 403. The testimony covers cage-free eggs, which is not probative and is confusing, distracting, and prejudicial. |



Date: November 1, 2023

Steven C. Seeger
United States District Judge